



[Handwritten signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

GROUP:

FUJIKAWA, et al

SERIAL NO.: 10/759,868

EXAMINER:

FILED: January 15, 2004

FOR: DATA READING APPARATUS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
MAIL STOP PETITIONS

S I R:

This is a petition to withdraw abandonment of the subject application for failure to respond to a Notice To File Missing Parts which was never received by the applicant.

Applicant, in preparing to file a further Information Disclosure Statement in the above-identified application, noticed that a filing receipt had never been received in the application. Applicant then tried to check up on the application online by using PAIR but was unsuccessful. Upon calling the Office of Initial Patent Examination (OIPE) we were advised by Mr. Williams that the application was abandoned for failure to respond to a Notice To File Missing Parts which we never received. A printout from applicant's docket system is attached which shows that a Notice To File Missing Parts was never received. A copy of the front jacket of the file is also attached in support of this, which shows that the last communication from the United States Patent and Trademark Office was applicant's postcard received from the Patent Office on January 29, 2004.

Mr. Williams then advised that the Notice To File Missing Parts was never actually mailed out to applicant since the U.S. Patent Office "had no address of applicant to mail to". This is evident on the copy of the Notice To File Missing Parts faxed to us by Mr. Williams which shows "Not Available" in the space where the address of the attorney for applicant should be, on the upper left hand corner of the Notice attached hereto. A copy of the Notice Of Abandonment was also never mailed out to applicant for the same reason.

At the time of filing this application on January 15, 2004, applicant's address was clearly shown on the Express Mail label as well as on the return receipt postcard (copies of both attached hereto) which was received from the U.S. Patent Office after being stamped received, proving that the Patent Office did indeed have the correct address on file. Moreover, we have followed this procedure in the past with many other applications filed in the same way, using the same application forms, postcard, etc. without incurring a problem.

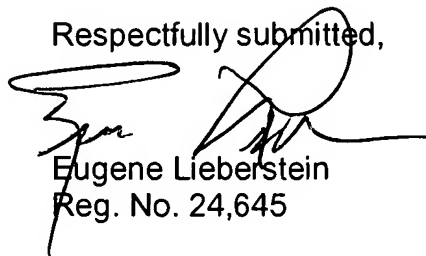
Since the U.S. Patent Office never mailed the Notice To File Missing Parts to applicant, it was impossible for applicant to respond. Applicant took prompt action to try and remedy the situation as soon as they became aware of the abandonment. As is evident from the transmission date thereon, the attached copy of the Notice To File Missing Parts was faxed to applicant by Mr. Williams on August 22, 2005 and this petition to withdraw abandonment was then immediately prepared. Accordingly, abandonment of this application should be withdrawn.

As part of this petition, applicant is responding to the Notice To File Missing Parts by submitting the required Declaration & Power of Attorney. Also submitted herewith is the Assignment document with the required Recordation Form Cover Sheet, certified copies of the three Japanese priority documents and a further Information Disclosure Statement.

Applicant therefore respectfully requests that this petition be granted so that prosecution on the merits may proceed.

All necessary fees in connection with this matter should be deducted from Applicants' Deposit Account No. 01-1944.

Respectfully submitted,




Eugene Lieberstein
Reg. No. 24,645

ANDERSON, KILL & OLICK
1251 Avenue of the Americas
New York, New York 10020-1182
(212) 278-1000

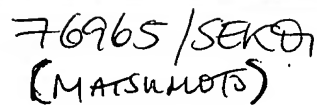
CUSTOMER NO. 01109

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, MAIL STOP PETITIONS on August 23, 2005.



Date: Aug-23, 2005



INVENTOR Masashi FUSIKAWA, et al EV331919729US
SERIAL NO. 10 / 759, 868 FILED January 15, 2004
TITLE DATA READING APPARATUS

ASSIGNEE SEICO EPSON CORPORATION of Nagano, JAPAN

ASSIGNMENT RECORDED _____ REEL _____ FRAME _____

[illegible]

ALLOWED _____ FINAL FEE PAID _____

PATENT NO. _____ DATE _____



Patent Technology Centers

Facsimile Transmission

To: Name: MAGGIE MCGARRY
Company:
Fax Number: 2122781733
Voice Phone:

From: Name:
Official Fax Number: (571) 273-8300
Official After Final Fax Number: (571) 273-8300
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37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

Date and time of transmission: Monday, August 22, 2005 12:41:34 PM
Number of pages including this cover sheet: 03



Patent Technology Centers

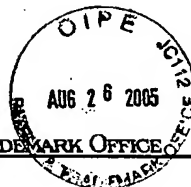
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Fax Notes:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/759,868	01/15/2004	Masashi Fujikawa	MM4658

Not available
Not available
Alexandria, VA 22313-1450

CONFIRMATION NO. 8425
ABANDONMENT/TERMINATION
LETTER



OC000000016008857

Date Mailed: 05/12/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/09/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

USPTO 8/22/2005 12:42 PM PAGE 3/003 Fax Server
J:MAGGIE MCGARRY COMPANY:

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

A copy of this notice MUST be returned with the reply.

Office of Initial Patent Examination (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY